

Meeting Date: September 22, 2016	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 1 of 15
---	--	---------------------

Board Members Present

Jennifer Ferrera Schmid, President, Public Member
Dave Connolly, Vice President, Public Member
John Schneider, Wet Cargo Industry Member
Captain Joe Long, Pilot Member
Captain George Livingstone, Pilot Member
Benjamin De Alba, Assistant Secretary for Rail and Ports, representing the Secretary of the California State Transportation Agency (CalSTA)

Board Members Absent

Vacant, Dry Cargo Industry Member
Vacant, Public Member

Staff Present

Allen Garfinkle, Executive Director
Dennis Eagan, Board Counsel
Luis Cruz, Staff Services Analyst
Sigrid Hjelle, Office Technician

Public Present

Acting Port Agent David McCloy; Ray Paetzold, San Francisco Bar Pilots (SFBP) Business Director-General Counsel; Captain Dan Larwood, SFBP; Captain Gregory Tylawsky, SFBP; Rollie Caabay, State Lands Commission; Mike Hawn, United States Coast Guard (USCG); and Rex M. Clack, Esq.

Open Meeting

1. Call to Order and Roll Call- President Schmid

President Schmid called the meeting to order at 9:30 a.m. Office Technician Hjelle called the roll and confirmed a quorum.

2. Review and approval of Board meeting minutes – President Schmid

Board Action to approve meeting minutes from Board meeting held on August 25, 2016.

Board members were presented with the minutes of the meeting held on August 25, 2016. There was no further discussion of the minutes and no public comment.

Meeting Date: September 22, 2016	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 2 of 15
---	--	---------------------

MOTION: President Schmid moved to approve the minutes of the meeting held on August 25, 2016. Commissioner Long seconded the motion.

VOTE: YES: Schmid, Connolly, Livingstone, Long, Schneider
NO: None
ABSTAIN: None

ACTION The motion was approved.

3. Announcements – President Schmid
Announcement of events affecting Board business since the last Board meeting.

There were no announcements.

4. Board Member Activities – Board Members
Reports by Board Members having Board business-related activities since the last monthly Board meeting or planned prospectively.

There were no announcements

5. Directors’ Report – Executive Director Garfinkle/Assistant Director Cristia-Plant

A) Correspondence and activities since the Board meeting held on August 25, 2016.

Executive Director Garfinkle reported on correspondence received by the Board since the Board’s August meeting as follows:

- On August 29, 2016, Board staff received a copy of the National Transportation Safety Board’s annual compilation of summaries of accident investigations titled *Safer Seas Digest*. He stated that additional copies have been requested for all members of the Pilot Safety Committee.
- On August 31, 2016, Assistant Director Roma Cristia-Plant, President Schmid and he met with California Highway Patrol (CHP) business services representatives Bob Jones, Administration Chief, Jacquelyn Ngo, Commander, and Rebecca Metz, Commander, and discussed improving the working relationship between the two organizations to better serve the Board’s administrative needs. He reported that the meeting was very productive, and opened the door to better communication between the respective parties. He thanked to President Schmid for her participation.
- On September 5, 2016, Board staff was notified of the Hanjin bankruptcy and its impacts to the SFBP and the Board. The SFBP provided the Board with historical Hanjin shipping data reflecting that in 2014, Hanjin pilotage revenue was \$1.7 million (4.35% of all revenue); pilotage revenue was \$1.0 million (2.8% of total revenue) in 2015, and \$898,000 (3.2% of total revenue) to date in 2016.
- On September 7, 2016, he spoke at the SFBP monthly general membership meeting. Topics addressed included updates on Board programs and projects that are pending,

Meeting Date: September 22, 2016	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 3 of 15
---	--	---------------------

including the San Jose State University Research Foundation Fatigue Study, the California Department of Human Resources (CalHR) pilot job analysis and Pilot Trainee Training Program test preparation, and the recent contracts for manned model and bridge resource management training.

- On September 8, 2016, he attended a Propeller Club luncheon at which Oakland Mayor Libby Schaff was the key speaker.
- On September 19, 2016, five staff members from the CalHR commenced work with the SFBP on the pilot job analysis required for Pilot Trainee Training Program selection exam. Four SFBP pilots—Captains Lemke, Burger, Kelso, and Carlier—participated in the job analysis, and he thanked the SFBP for their cooperation on this task. He reported that CalHR was scheduled to meet September 20, 2016, at California State University Maritime’s simulator center to view the previous test simulation, and review the simulator evaluation criteria.
- On September 21, 2016, Board staff received a copy of a letter addressed to Captain Dave McCloy from Don English, Senior Technical Manager of Booz Allen Hamilton Advanced Aviation and Maritime Engineering division, advising the SFBP that they will be discontinuing support of the PilotMate program after December 31, 2016

B) Report on pilot licensing matters in the past month and current month.

Executive Director Garfinkle reported on the following pilot licensing matters:

- Between the July and August Board meetings, Board staff renewed the licenses of Captains Laakso and Burger
- Since the August Board meeting, Board staff renewed the licenses of Captains LeSieur and Boriolo

C) Report on Board surcharges

Executive Director Garfinkle reported the Board received a check from SFBP for \$159,714.52 for the August 2016 surcharge revenues as follows:

- Board Operations Surcharge \$ 104,197.52
- Pilot Continuing Education \$ 3,605.00
- Trainee Training Surcharge \$ 51,912.00

D) Report on legislative activities and contractual matters.

Executive Director Garfinkle reported the following legislative activities and contractual matters that occurred since the last Board meeting:

- The current contract with the SFBP expired on June 30, 2016. Board staff continues to work with contract staff at the CHP on an interim emergency contract for the period of July 1, 2016, through December 31, 2016, which will give additional time for Board staff to complete work on a new 5-year contract with the SFBP.

Meeting Date: September 22, 2016	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 4 of 15
---	--	---------------------

- The current contract with California Department of Transportation (Caltrans) for information technology services also expired on June 30, 2016. Caltrans has agreed to a \$46,000 3-year agreement. Completion of the contract has been delayed due to vacations of key staff at Caltrans. Staff anticipates that this contract will be finalized and approved within the next month.
- Board staff continues to work with the CalHR to determine if the two entities can enter into an interagency agreement for trainee random and incident drug testing. As discussed before, CalHR has a master agreement with a firm to provide drug testing services to state employees, and enters into interagency agreements with various state departments to utilize the services under its master agreement. CalHR recently notified Board staff that a memo is being sent to the Director of CalHR seeking permission to provide services to the Board and the Department of Parks and Recreation to test non-state employees under its master drug testing contract. CalHR expects to have an answer from its Director within approximately a week.
- Board staff has begun work with CHP to procure CPA services for the Pilot Pension Plan. Staff expects that a contract will be in place by the end of this year or the beginning of next year. In the interim, Board staff continues to prepare the monthly pension plan reports, and the quarterly surcharge calculations.
- As stated at prior meetings, the California Public Employees' Retirement System (CalPERS) has confirmed that the Board can utilize one of the actuaries from their firms pool. Staff will work with CalPERS upon direction from the Board to contract with an actuary.

Executive Director Garfinkle responded to a question from Vice President Connolly about the discontinuation of the PilotMate software support, and stated that this topic will be further discussed at the next Navigation Technology Committee meeting.

Mr. Paetzold responded to a concern expressed by Vice President Connolly, and explained that Hanjin owes approximately \$240, 000 to the SFBP, inclusive of Board surcharges, and that SFBP is making every effort to collect the amount owed. He stated the SFBP has retained the law firm of Holland and Knight to assist with the collection, and there is currently no estimate of how long collection will take. Commissioner Livingstone commented that this is an international issue, and that the world containership market is at 20% overcapacity.

6. Port Agent's Report – San Francisco Bar Pilot (SFBP) Acting Port Agent Capt. David McCloy

A) Monthly report on pilot availability and absences

Acting Port Agent McCloy reported the following pilots absent for medical reasons: Captain Kelso has been absent for medical reasons since June 19, 2016, placed on

Meeting Date: September 22, 2016	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 5 of 15
---	--	---------------------

medical disability status effective July 20, 2016; Captain Kenyon has been not fit for duty since July 2, 2016, and placed on medical disability status effective July 25, 2016; and Captain Fuller was not fit for duty between the dates of September 9, 2016 – September 15, 2015.

Acting Port Agent McCloy reported the SFBP continually monitors the dispatch list for possible minimum rest period (MRP) exceptions, and if the potential exception is likely to result in a rest period of less than ten hours, mitigating measures are employed by the SFBP. He reported that these measures include, but are not limited to, suspending continuing professional development protocols, cancelling scheduled meetings, cancelling previously granted compensating time off requests, suspending SFBP internal working rules, or calling in off-watch pilots.

He reported the SFBP currently has 57 licensed pilots, that there were 3 MRP exceptions in August, and that the shortest rest period was 10.8 hours.

B) Monthly report on SFBP ship piloting business activity

Acting Port Agent McCloy reported that the P/V DRAKE was in the shipyard for the month of August, and that extensive coating renewals, shaft, through hull and machinery repairs and inspections were completed.

Port Agent McCloy reported billed vessel moves in August 2016:

- Bar Crossings 599 moves
- Bay Moves 113 moves
- River Moves 53 moves
- Total Moves 765
- Gross Registered Tons (GRT) 33.0 Million

Port Agent McCloy reported when comparing 2016 year-to-date vessel move data with the same 8-month period in 2015, total moves were up 5.3%, and Gross Registered Tons (GTR) were up 20.6%. He also mentioned that 16 of 599 Bar crossings were Hanjin vessel moves.

Commissioner Livingstone stated the 20.6% increase in GRT is almost identical with the Port of Long Beach, which is contrary to conventional wisdom, considering the opening of the new Panama Canal and the Oakland Outer Harbor terminal closing.

Executive Director Garfinkle inquired about receiving the Condition and Valuation Surveys for the pilot boats that have been in the shipyard this year. Acting Port Agent McCloy stated the surveys will be provided to the Board in the near future.

Meeting Date: September 22, 2016	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 6 of 15
---	--	---------------------

7. Pilot Evaluation Committee – Captain George Dowdle

A) Report on the Pilot Evaluation Committee (PEC) meeting held on September 14, 2016

Executive Director Garfinkle read Chairman Dowdle's PEC report and stated the following:

- The Pilot Evaluation Committee met on September 14, 2016.
- All trainees were interviewed individually in closed session.
- The six current trainees include Captains Lowe, Rubino, Cvitanovic, Epperson, Alferts and Vogel.
- The Trainees' time in the program ranges from 6 to 22 months. One trainee was advanced to evaluation status, and there are currently two trainees in evaluation status.
- All trainees are progressing and meeting the required benchmarks.
- The two most senior trainees attended manned model training at the end of last month.
- The PEC will meet next October 12, 2016, at 7:30 a.m.

B) Possible PEC recommendation to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program. Possible Board action to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program.

There were no recommendations.

C) Possible PEC recommendation for a determination that a trainee has or trainees have completed the Pilot Trainee Training Program. Possible Board action to award a Certificate of Completion to a trainee who has completed the Pilot Trainee Training Program.

There were no recommendations.

D) Possible recommendation from the Executive Director for the appointment of a new pilot or pilots. Possible Board action to accept a recommendation from the Executive Director that a trainee holding a Certificate of Completion from the Pilot Trainee Training Program be licensed as a state-licensed pilot.

There were no recommendations.

Meeting Date: September 22, 2016	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 7 of 15
---	--	---------------------

8. Reported safety standard violations – Executive Director Garfinkle (Reports received between the issuance of this notice and the meeting will also be reported on.)

Executive Director Garfinkle stated that there was one safety standard violation since the last Board meeting, and stated Captain Daniel Bridgeman submitted a report on September 18, 2016, that cited the M/V ARDMORE DAUNTLESS had a man-rope part while a trainee was disembarking the ship. Captain Bridgeman's report stated that the trainee was not injured although he freefell for approximately four feet and landed hard on the pilot boat. Executive Director Garfinkle stated that since the ship was outbound, he did not dispatch a Commission Investigator, but that he did contact the USCG Sector San Francisco Port State Control and request that they notify their counterparts in Los Angeles, the next port of call for the ship, and that the ship's agent was also contacted regarding the event information.

9. Reportable Piloting Events – Executive Director Garfinkle (Reports received between the issuance of this notice and the meeting will also be reported on.)

A) Status report on the June 8, 2016, event involving an interaction of the M/V MORNING ORCHID with the M/V K WINNER at the Port of Stockton that resulted in gangway damage to the M/V K WINNER. Possible Board action to grant an extension to present the Incident Review Committee report on the event involving the interaction of the M/V MORNING ORCHID with the M/V K WINNER at the Port of Stockton that resulted in gangway damage to the M/V K WINNER at the October Board meeting. If an extension is requested it will be due to the report not being completed in time to present the report to the Board at this meeting.

Executive Director Garfinkle announced that the report of the M/V MORNING ORCHID will be presented later in the agenda.

B) Initial report on the September 3, 2016, wake damage at the RiverPoint Landing Marina Resort near Stockton, California, alleged to be caused by the M/T LUIGI LAGRANGE

Executive Director Garfinkle reported that wake damage caused by the M/T LUIGI LAGRANGE is under investigation by the Investigation Review Committee, but that with the information already obtained, he does not expect that this event will be determined to be an incident. He also stated that marina damage was minimal and that the USCG brought the issue to the Board's attention due to a complaint from the RiverPoint Landing Marina Resort manager.

Meeting Date: September 22, 2016	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 8 of 15
---	--	---------------------

C) Initial report on the September 7, 2016, grounding of the S.S. PETERSBURG in Suisun Bay, while being flat towed to the Suisun Bay Reserve Fleet

Executive Director Garfinkle reported that S.S. PETERSBURG grounded temporarily while enroute to the Suisun Bay Reserve Fleet. A Freedom of Information Act (FOIA) request was submitted. In response to the FOIA request, the USCG FOIA representative stated there was no Automatic Information System (AIS) recording available for playback, and that the investigation was ongoing.

Commissioner Livingstone commented that the USCG and the Port Agent agreed that pilots will not bring any vessels into Suisun Bay Reserve Fleet until a survey of the area is completed.

10. Loss of propulsion/low sulfur fuel report – Executive Director Garfinkle

Report on loss of propulsion events arising in July and August 2016, including those events suspected to be due to low sulfur fuel issues.

Executive Director Garfinkle provided the Board with USCG Prevention/Response San Francisco Harbor Safety Statistics report for July and August, 2016, and stated that there was one loss of propulsion event that was determined to be due to fuel switching during that time period according to the reports.

11. Rules and Regulations Committee – Commissioner Long

Commissioner Long started that the Rules and Regulations Committee has not met.

Report on the status and progress of various Board rulemaking efforts, including the following sections in Title 7, California Code of Regulations:

- a. **Section 211.5 – Commission Investigator Minimum Standards (amend minimum qualifications standards).**
- b. **Section 213 – Pilot Trainees (add exam fee and clean-up of regulations).**
- c. **Section 215 – Pilot and Inland Pilot Training (add fatigue management and radar navigation in low/restricted visibility training and clean-up).**
- d. **Section 218 – Duties of Port Agent (amend requirement for assignments of pilots with under 12 and 18 months experience).**

Meeting Date: September 22, 2016	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 9 of 15
---	--	---------------------

e. Section 222 – Conflicts of Interest (add Port Agent Conflict of Interest regulation).

Executive Director reported that the Board’s rulemaking package covering amendments to Regulations Sections 211.5, 213, 215 and 218 was submitted to the Office of Administrative Law (OAL) on August 26, 2016. He further noted that OAL has 30 days to review the rulemaking package, and Board staff have not yet received a response from the OAL, but if approved and submitted to the Secretary of State for recording, the soonest the regulations can become effective would be January 1, 2017.

Executive Director Garfinkle stated that no work was done on Section 222 proposed regulations.

12. Finance Committee – Commissioner Schneider

A) Report the Finance Committee meeting held on September 13, 2016

Commissioner Schneider reported that the Finance Committee met on September 13, 2016, and reviewed the Board’s budget, funds condition and surcharges rates. He presented the Committee’s surcharge rate recommendations to the Board as follows:

- The Committee recommends no change to the Board Operations Surcharge, currently at 3% of all pilotage fees.
- The Committee recommends no change to Pilot Continuing Education surcharge, currently at \$5.00 per move.
- The Committee recommends increasing the increasing the Pilot Trainee Training Surcharge from \$12/trainee/move to \$14/trainee/move, effective October 1, 2016, and that this increase will help build up the trainee training fund balance.
- The Committee recommends no change for the Pilot Vessel Surcharge, currently at 2.62 mills or \$0.00262

B) Review Finance Committee recommendations on the following Board surcharges:

- a. **Board Operations Surcharge (currently 3% of all pilotage fees): No change recommended by the Committee.**
- b. **Pilot Continuing Education surcharge (currently \$5 per move): The Committee recommends no change to the Continuing Education Surcharge.**
- c. **Pilot Trainee Training Surcharge (currently \$12/trainee/move): Committee voted to recommend increasing the Pilot Trainee Training Surcharge from \$12/trainee/move to \$14/trainee/move effective October 1, 2016.**

Meeting Date: September 22, 2016	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 10 of 15
---	--	----------------------

d. Pilot Vessel Surcharge (currently at 2.62 mills or \$0.00262): The Committee recommended no change to the Pilot Vessel Surcharge.

- MOTION:** Commissioner Schneider moved that the Board accept the Finance Committee's recommendation to change the Pilot Trainee Training Surcharge rate from \$12/trainee/move, to \$14/trainee/move, effective October 1, 2016, and that there be no change to the Board Operations, Pilot Continuing Education and Pilot Vessel Surcharge rates. Vice President Connolly seconded the motion.
- VOTE:** YES: Schmid, Connolly, Livingstone, Long, Schneider.
NO: None
ABSTAIN: None
- ACTION:** The motion was approved.

Commissioner McCloy presented a brief synopsis of the work done on the Navigation Technology (NavTech) Surcharge rate proposal as itemized below.

1. The current navigation technology system includes:
 - a. Route Portable Pilot Units (PPU) for all pilots and assignments consisting of Windows laptops with ROSE Point electronic charting and navigation software (ECS). PPUs use wireless or cable connections to a ship's AIS pilot plug.
 - b. Precision independent system for ultra large container vessel (ULVC) piloting, consisting of a Windows tablet with PilotMate custom navigation software. The software includes independent PM1-4 precision global position system array (GPS).
(Note: PilotMate and PM1-4 will be discontinued and not supported January 2017.)
2. The new navigation technology system is tentatively proposed to include:
 - a. Replace the 2008-2009 era Windows PPUs with new route PPUs for all pilots and assignments. Continue use of Rose Point ECS.
 - b. Acquire wireless rate of turn generator (ROTG) and single, independent GPS for precision independent system for ULCV piloting.
 - c. Acquire new high precision, independent GPS array hardware with heading, ROTG and AIS receiver.
 - d. Acquire new tablet displays and custom navigation software.
 - e. Acquire and commission a shore server for system support, updates and maintenance.

Executive Director Garfinkle confirmed for Commissioner Livingstone that the Finance Committee and the Navigation Technology Committee should meet in the near future, and further discuss the proposed technology purchases and related Navigation Technology surcharge rate. Board Counsel Eagan announced that he would follow up on

Meeting Date: September 22, 2016	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 11 of 15
---	--	----------------------

the issue of whether rulemaking is necessary to interpret the language of the statute.

13. Pilot Power Committee – Committee Chairman Livingstone

A) Report on the Pilot Power Committee meeting held on September 1, 2016

The Pilot Power Committee Chairman Livingstone reported that the Committee met September 1, 2016, reviewed the recent Pilot Retirement Survey results, and recommends to the Board that two new trainees enter the training program on or about January 1, 2017.

Executive Director Garfinkle stated that two trainees are currently in the evaluation stage in the Pilot Trainee Training Program, and that the Pilot Evaluation Committee is willing to manage more than six trainees for short periods of time, particularly when trainees are new and accumulating trips for federal licensure.

B) Possible recommendation from the Pilot Power Committee to the Board to direct Board staff to commence contracting with one or more additional applicants for entry into the Pilot Trainee Training Program. Possible Board action to direct staff to commence contracting with one or more applicants for entry into the Pilot Trainee Training Program.

There was no discussion from the Board or the public on this item.

MOTION: Commissioner Livingstone moved to approve the Pilot Power Committee's recommendation that two new trainees be admitted to the Pilot Trainee Training Program with a target start date of January 1, 2017. President Schmid seconded the motion

VOTE: YES: Schmid, Connolly, Livingstone, Long, Schneider.
NO: None

ABSTAIN: None

ACTION: The motion was approved.

14. Continuing Education Committee - Commissioner Livingstone Report on the Continuing Education Committee meeting held on September 1, 2016.

Committee Chairman Livingstone reported to the Board that the Continuing Education Committee met on September 1, 2016, and discussed the following:

- California State University Maritime Academy (CSUMA) announced that Captain Anne McIntyre was confirmed as a new instructor for the Pilot Continuing Education Program's bridge resources management course.
- CSUMA received \$500,000.00 funding for the Simulation Training Center upgrades.

Meeting Date: September 22, 2016	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 12 of 15
---	--	----------------------

- He and others are updating the bridge resource training modules, and expect to have most updates completed in time for the next bridge resource management training in last spring of 2017.

Board Meeting Calendar for 2017 – Executive Director Garfinkle

Presentation of draft Board meeting calendar for 2017. Possible Board action to approve final Board meeting calendar for 2017.

There was no discussion from the Board or the public on this item.

MOTION: President Schmid moved to approve the 2017 Board meeting calendar prepared by Board staff. Commissioner Long seconded the motion.

VOTE: YES: Schmid, Connolly, Livingstone, Long, Schneider.
NO: None
ABSTAIN: None

ACTION: The motion was approved.

15. Report on the status of San Francisco Bar Pilot Pension Plan litigation – Board Counsel Eagan

Board Counsel Eagan stated that there was nothing to report.

16. Board discussion of best practices in maritime safety – Vice President Connolly

Vice President Connolly stated there was nothing to report.

17. Board report on the M/V STAR LUSTER – Vice President Connolly

A review and approval of the formal order prepared by Board Counsel of the Board's determination and findings made on June 23, 2016, after the Incident Review Committee's incident report concerning the event involving the M/V STAR LUSTER allision with overhead power cables in the Port of Stockton on January 19, 2016. The Board may go into closed session for the review and approval of the formal order presented under this item pursuant to Harbors and Navigation Code §1180.6(a) and Government Code §11126(c)(3).

President Schmid called for a closed session.

CLOSED SESSION BEGAN: 10:47 A.M.
OPEN MEETING RESUMED: 11:14 A.M.

Meeting Date: September 22, 2016	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 13 of 15
---	--	----------------------

Board Counsel Eagan announced out of closed session that the Board's formal decision regarding the M/V STAR LUSTER order was discussed in closed session, and that copies of the final order will be made available to the public.

18. Incident Review Committee incident report on the June 8, 2016, event involving an interaction of the M/V MORNING ORCHID with the M/V K WINNER at the Port of Stockton - President Schmid

A presentation of the Incident Review Committee incident report concerning the June 8, 2016, event involving an interaction of the M/V MORNING ORCHID with the M/V K WINNER at the Port of Stockton that resulted in gangway damage to the M/V K WINNER. Board deliberation and decision with respect to possible pilot error. Board determination with respect to further actions, if appropriate. The Board may go into closed session for the deliberation of the incident report presented under this item pursuant to Harbors and Navigation Code §1180.6(a) and Government Code §11126(c)(3).

Executive Director Garfinkle gave a brief explanation of the interaction of the M/V MORNING ORCHID with the M/V K WINNER, and stated that upon investigation by Incident Review Committee (IRC), the IRC determined there was clearly no pilot error.

Executive Director Garfinkle reviewed Board regulation §210(b)(3), which allows the IRC to discontinue an investigation where there is clearly no pilot error. He explained that the IRC determined that this was the case in this event, citing empirical evidence of the M/V MORNING ORCHID appropriate speed through the water, and the Port of Stockton Port Police report that the M/V K WINNER failed to take precautions against an anticipated wake. He introduced four exhibits that were included in the IRC report, including the USCG AIS video of the piloting event, the video playback of the event from the pilot's Portable Piloting Unit (PPU), and video footage of the event recorded by on-pier cameras and provided by Port of Stockton Port Police. He concluded by thanking the Port of Stockton Port Police for their cooperation with the IRC.

He stated that any Board member may make a motion to reopen the matter, but if no motion is made, the matter is concluded due to the IRC determination of no pilot error.

Commissioner Long stated that he was satisfied with the IRC's conclusion, and that he would like to see alternative choices available for the IRC to recommend to the Board in addition to the two options of pilot error or no pilot error, adding that he would like to see the Rules and Regulation Committee take up this issue.

Meeting Date: September 22, 2016	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 14 of 15
---	--	----------------------

19. Performance Evaluation of the Executive Director follow-up – President Schmid

Follow-up to the Annual Performance Evaluation of Executive Director. The Board may go into closed session pursuant to 11126(a)(1) of the Bagley-Keene Open Meeting Act to discuss the evaluation follow-up.

President Schmid stated that, if there is no objection, she is tabling the topic until the next Board meeting.

20. Public comment on matters not on the agenda

Mr. Paetzold briefed the Board regarding a Pacific Gas and Electric Company (PG&E) power cable over the Sacramento River near Rio Vista. PG&E has informed the pilots and regulatory agencies that the power cables crossing the Sacramento Deep Water Ship Channel at Bird's Landing in the vicinity of Lights 11 and 12 can sag as low as 119.5' [original estimate of 118.5' was later corrected] at extreme conditions of load and heat. The U.S. Army Corps of Engineers, which issued the permit for these cables, has instructed PG&E to raise these cables to 161' above mean higher high water (MHHW) over the ship channel.

Agents for vessels with an air draft of 119.5' or higher have been requested to notify PG&E in advance of their transits so that the power company can take appropriate action to ensure a margin of safety (a minimum of 10' clearance). During winter months, this notification threshold will be increased to 125' beginning November 1.

Mr. Paetzold further reported that PG&E is hopeful it will be able to achieve the 161' height requirement by replacing the current cables with cables that have less elasticity under load, and estimates such a project could take up to two years. The alternative of increasing the tower height could take considerably longer.

21. Proposals for additions to next Board meeting agenda

There were no proposals to additions to the next Board meeting.

Meeting Date: September 22, 2016	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 BOARD MEETING MINUTES	Page 15 of 15
---	--	----------------------

22. Adjournment

President Schmid called for a motion to adjourn .

MOTION: President Schmid moved to adjourn the meeting. Vice President Connolly seconded the motion.

VOTE: YES: Schmid, Connolly, Livingstone, Long, Schneider.

NO: None

ABSTAIN: None

ACTION: The motion was approved.

Submitted by:



Allen Garfinkle, Executive Director